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TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

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☒ New

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Document ID#

☐ Correction of PTO Error  
Reel #  Frame #

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**Conveyance Type**

☒ Assignment ☐ Security Agreement

☐ License ☐ Change of Name

☐ Merger ☐ Other

**U.S. Government**  
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**Conveying Party(ies)**

☐ Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
 07131999

Name (line 1)  SHORT, JAY M.

Name (line 2)  KRETZ, KEITH A.

**Second Party**

Name (line 1)  KRETZ, KEITH A.

Name (line 2)

Execution Date  
Month Day Year  
 07141999

**Receiving Party**

☐ Mark if additional names of receiving parties attached

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Name (line 1)  DIVERSA CORPORATION

Name (line 2)  A DELAWARE CORPORATION

Address (line 1)  10665 Sorrento Valley Road

Address (line 2)

Address (line 3)  San Diego  CA / USA  92121

City State/Country Zip Code

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**FOR OFFICE USE ONLY**

**Correspondent Name and Address**

Area Code and Telephone Number **858-623-5182**

Name **GREG SHEN**

Address (line 1) **DIVERSA CORPORATION**

Address (line 2) **10665 SORRENTO VALLEY ROAD**

Address (line 3) **SAN DIEGO, CA 92121**

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

# **1**

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

**Patent Application Number(s)**

**Patent Number(s)**

**09318528**

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

PCT  PCT  PCT   
PCT  PCT  PCT

**Number of Properties**

Enter the total number of properties involved.

# **1**

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$ **AMOUNT DUE**

Method of Payment:  
Deposit Account

Enclosed ☐ Deposit Account ☒

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# **500661**

Authorization to charge additional fees:

Yes ☒ No ☐

**Statement and Signature**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.*

**GREG SHEN**

Name of Person Signing

Signature

Date

ASSIGNMENT OF APPLICATION

Whereas, we **Jay M. Short**, of Encinitas, CA, and **Keith A. Kretz**, of San Marcos, CA, have invented certain new and useful improvements in "**Recombinant Bacterial Phytases and Uses Thereof**" for which an application for a United States Patent, is attached herewith;

Whereas, **Diversa Corporation**, a Delaware Corporation, herein referred to as "assignee", whose post office address is **10665 Sorrento Valley Road, San Diego, CA 92121** is desirous of acquiring the entire right, title and interest in the same;

Now, for good and valuable consideration, the receipt whereof is acknowledged, we, the inventors, by these presents do sell, assign, and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title, and interest in and to any and all Patents which may be granted therefor in the United States. We hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by each of us had this assignment and sale not been made.

Inventor's Signature \_\_\_\_\_

Jay M. Short

Date: 7-13, 1999

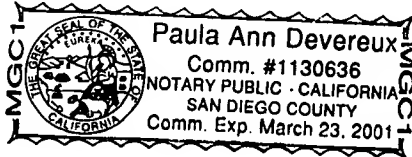
State of California )

ss:

County of San Diego )

Before me personally appeared said Jay M. Short and  
acknowledged the foregoing instrument to be his free act and deed this 13 day of July  
1999.

Seal



Paula Ann Devereux  
Notary Public

Second Joint Inventor's Signature \_\_\_\_\_

Keith A. Kretz

Date: 7/14/99

State of California )

ss:

County of San Diego )

Before me personally appeared said KEITH A. KRETZ and  
acknowledged the foregoing instrument to be his free act and deed this 14<sup>th</sup> day of JULY  
1999.

Seal

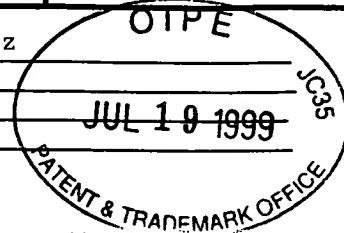


Monica L. Sullivan  
Notary Public

**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)

Applicant, Patentee, or Identifier: Jay M. Short and Keith A. Kretz  
Application or Patent No.: 09/318,528  
Filed or Issued: 5/25/99  
Title: Recombinant Bacterial Phytases and Uses Thereof



I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Diversa Corporation

ADDRESS OF SMALL BUSINESS CONCERN 10665 Sorrento Valley Road,  
San Diego, CA 92121

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:  
☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Carolyn Erickson

TITLE OF PERSON IF OTHER THAN OWNER Director, Intellectual Property

ADDRESS OF PERSON SIGNING 11466 Tree Hollow Lane, San Diego, CA 92128

SIGNATURE Carolyn Erickson DATE 6-22-99